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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,194	12/06/2000	Harpreet Singh Sawhney	SAR 13800	8583
31908	7590	02/02/2004	EXAMINER	
STEVE MENDELSON			VO, TUNG T	
MENDELSON & ASSOCIATES, P.C.			ART UNIT	
1515 MARKET STREET, SUITE 715			PAPER NUMBER	
PHILADELPHIA, PA 19102			2613	
			DATE MAILED: 02/02/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/731,194

Applicant(s)

SAWHNEY ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,12,15,16,18-22,26-28, 31 and 36-39 is/are rejected.
- 7) ☒ Claim(s) 3,8-11,13,14,17,23-25,29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Clarification Claims*

1. It is noted that claims 12 and 18 were rejected under Suzuki reference. There was a typo error.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 04/16/01 has been considered.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 4-7, 12, 15-16, 18-22, 26-28, 31, and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 6,097,842) as set forth in the previous Office Action, Paper No. 4, and the discussion below.

Re claims 1-2, 4-7, 12, 15-16, 18-22, 26-28, and 31 Suzuki discloses all limitations as set forth in Paper No. 4, and Suzuki further disclose an encoder (figs. 1-5, 10, and 12) for encoding a video stream (1 of fig. 12), the encoder comprises: a frame/regions type selector (21 of fig. 15) for selecting different processing paths (lower layer picture, upper layer picture, and key signals) for encoding (22 and 25 of fig. 15) different frames/regions into encoded video stream (bitstream, the output of the multiplexer 26); a first processing path (25 of fig. 15, and fig. 22) configured for encoding, into the encoded video stream, a first original frame/region (lower layer) in the video stream using intra-frame coding to generate an encoded first frame/regions; and a second processing path (23 of fig. 12, and fig. 23) configured for encoding, into the encoded video bitstream, a second original frame/region (upper layer) using motion-based prediction coding (LOWER LAYER MOTION VECTOR PREDICTION MODE of fig. 22), wherein the video encoder has an encoding mode (42 of fig. 22) in which at some motion information used (32 of fig. 22) during motion-based predictive coding is excluded from the encoded video bitstream (36 of fig. 22). Suzuki also teaches the decoder that is reversible of the encoding process (figs. 29-31).

Re claims 36-39, Suzuki further discloses motion computation during which one or more motion vectors are determined for the second original frame/region (42 of figs. 22 and 23), motion compensation based on the one or more motion vectors determined during motion computation (42 of fig. 2), wherein at least one of the motion vectors using the motion

compensation is excluded from the encoded video stream that is outputted from (VLC 26 of fig. 22).

*Response to Arguments*

5. Applicant's arguments filed 12/10/03 have been fully considered but they are not persuasive.

The applicant argued that there is not teaching or even suggestion in Suzuki that at least some of that motion information is excluded from the encoded video bitstream as specified in claims 1 and 5, page 8 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that the motion vector, some of the motion information from the motion vector detector (32 of fig. 22) and prediction mode (based motion prediction) is excluded from the encoded video stream from the encoder (36 of fig. 22). In view of the discussion above, Suzuki anticipates the claimed invention.

The applicant further argued that there is not teaching or even suggestion in Suzuki that at least some of that motion information is excluded from the decoded video bitstream as specified in claims 15 and 20, page 8 of the remarks.

The examiner respectfully disagrees with the applicant. It is further submitted that Suzuki that at least some of that motion information is excluded from the decoded video bitstream (MOTION VECTOR, PREDICTION MODE is outputted from the IVLD (102 of fig. 30) is excluded from the decoder (108 of fig. 30)). In conclusion, Suzuki anticipates the claimed invention.

***Allowable Subject Matter***

6. Claims 3, 8-11, 13-14, 17, 23-25, 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



**TUNG T. VO**  
**PATENT EXAMINER**

T.Vo

Tung T. Vo  
Examiner  
Art Unit 2613